

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

SLICK SLIDE LLC,

Plaintiff,

vs.

BA NE CHARLOTTE, LLC

Defendants.

Civil Action No.: 3:23-cv-348

**JURY TRIAL DEMANDED**

**ANSWER TO AMENDED COMPLAINT**

**COMES NOW** the Defendant, BA NE Charlotte, LLC (hereinafter, “Big Air”), by and through its legal counsel, and hereby submits the following Answer in response to the Amended Complaint filed by Slick Slide, LLC (hereinafter, “Slick Slide”) in the above-captioned proceeding:

**NATURE OF ACTION**

1. Admitted in part and Denied in Part. Admitted that the Amended Complaint purports to state a claim for infringement of a United States Design Patent pursuant to Title 35 of the United States Code. Denied that Big Air has infringed any cognizable right owned by Slick Slide. Except as specifically admitted herein, the allegations contained in Paragraph 1 of the Complaint are denied.

**THE PARTIES**

2. Big Air is without information necessary to form an opinion as to the truth or falsity of the allegations contained in Paragraph 2 of the Complaint, accordingly, those allegations are denied.

3. Admitted that Big Air operates a trampoline park at 8215 University City Blvd., Charlotte, North Carolina 28213. Admitted that the trampoline park has recreational slides. Except as specifically admitted herein, the allegations contained in Paragraph 3 of the Complaint are denied.

### **JURISDICTION AND VENUE**

4. Admitted in part and Denied in Part. Admitted that the Amended Complaint purports to state a claim for infringement of a United States Design Patent pursuant to Title 35 of the United States Code. Denied that Big Air has infringed any cognizable right owned by Slick Slide. Admitted that this Court has Subject Matter jurisdiction over the purported claim asserted in the Amended Complaint. Except as specifically admitted herein, the allegations contained in Paragraph 4 of the Complaint are denied.
5. Admitted that venue is appropriate in this judicial district. Except as specifically admitted herein, the allegations contained in Paragraph 5 of the Complaint are denied.

### **BACKGROUND FACTS**

6. Big Air is without information necessary to form an opinion as to the truth or falsity of the allegations contained in Paragraph 6 of the Complaint, accordingly, those allegations are denied.
7. Big Air is without information necessary to form an opinion as to the truth or falsity of the allegations contained in Paragraph 7 of the Complaint, accordingly, those allegations are denied.

8. Big Air is without information necessary to form an opinion as to the truth or falsity of the allegations contained in Paragraph 8 of the Complaint, accordingly, those allegations are denied.
9. Admitted in Part and Denied in Part. Admitted that United States Design Patent No. D973,821, entitled “Recreational Slide” (hereinafter, “the D821 Patent”) appears to have been issued to Gary Schmit on or about December 27, 2022. Admitted that Gary Schmit appears to have assigned the D821 Patent to Slick Slide. Admitted that a copy of the D821 Patent appears to have been attached to the Amended Complaint as Exhibit A. Big Air is without information necessary to form an opinion as to the truth or falsity of the remaining allegations contained in Paragraph 9 of the Complaint, accordingly, those allegations are denied.
10. Admitted that Big Air operates a trampoline park at 8215 University City Blvd., Charlotte, North Carolina 28213. Admitted that the trampoline park has recreational slides and that photographs of those slides appear to be attached to the Amended Complaint as Exhibit B. Except as specifically admitted herein, the allegations contained in Paragraph 10 of the Complaint are denied.
11. Denied.
12. Denied.
13. Denied.
14. Denied.
15. Denied.
16. Denied.
17. Denied.

## **COUNT I – PATENT INFRINGEMENT**

18. Paragraphs 1-17 above are incorporated by reference herein as though set forth in their entirety.

19. Denied.

20. Denied.

21. Denied.

### **GENERAL DENIAL**

Any allegation not specifically admitted herein is hereby specifically denied. Slick Slide should have and take nothing from its Amended Complaint.

### **AFFIRMATIVE DEFENSES**

Having answered each enumerated paragraph contained in the Complaint, Big Air presents the following Affirmative Defenses:

#### **First Affirmative Defense**

Slick Slide's Amended Complaint fails to state a claim upon which relief may be granted and must therefore be dismissed pursuant to Fed. R. Civ. Pro. 12.

#### **Second Affirmative Defense**

Big Air has not infringed, willfully or otherwise, the D821 Patent.

### **JURY DEMAND**

Big Air hereby demands a Trial by Jury on all claims so triable.

Respectfully submitted,

**TREGO, HINES & LADENHEIM, PLLC**

This the 5<sup>th</sup> day of September, 2023.

/s/Matthew J. Ladenheim

Matthew J. Ladenheim, N.C. Bar No.: 29309

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*Attorney for Defendant BA NE Charlotte, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document: **ANSWER TO AMENDED COMPLAINT** was served on counsel of record via CM/ECF notification.

Respectfully submitted,

**TREGO, HINES & LADENHEIM, PLLC**

This the 5<sup>th</sup> day of September, 2023.

/s/Matthew J. Ladenheim

Matthew J. Ladenheim

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